

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

BRIAN A. CAMPBELL,

Petitioner,

v.

CASE NO. 17-3145-SAC

JEFF EASTER, et al.,

Respondent.

ORDER

This matter is a petition for habeas corpus filed under 28 U.S.C. § 2241 by a prisoner in state custody. Petitioner proceeds pro se and in forma pauperis. Petitioner claims a fugitive detainer placed on him from the Mississippi Department of Corrections and Lowndes County Court is illegal. Petitioner seeks a finding that the Mississippi sentence has expired and withdrawal of the fugitive warrant. Defendants filed a motion to dismiss, alleging Petitioner failed to exhaust and that he is in custody because he faces additional state criminal charges unrelated to the claims raised in his habeas petition. This matter is before the Court on Petitioner's motion for extension of time to respond to the motion to dismiss (Doc. 9) and motion for discovery (Doc. 10).

Petitioner seeks an extension of time to respond, noting that a shortage of staff at the Sedgwick County Jail is causing lock-downs. Petitioner seeks an extension of time to November 10, 2017. For good cause shown, the Court grants the motion. Plaintiff has also filed a motion for discovery, seeking documents related to his Mississippi warrant. Because the discovery request does not relate to the issues raised in the motion to dismiss, the Court denies

the request without prejudice to Petitioner refiling the motion if his case survives the motion to dismiss. *See* Rule 6 of the Rules Governing Section 2254 cases, 28 U.S.C.A. foll. § 2254 (HC Rule 6) (“A judge may, for good cause, authorize a party to conduct discovery under the Federal Rules of Civil Procedure and may limit the extent of discovery.”); *King v. United States*, No. 16-cv-1435-EFM-TJJ, 2017 WL 3723291, at *1 (D. Kan. Aug. 29, 2017) (“[A] stay pending a ruling on a dispositive motion is appropriate where the case is *likely* to be finally concluded as a result of the ruling, where the facts sought through the remaining discovery would not affect the ruling on the pending motion, or where discovery on all issues in the case would be wasteful and burdensome.”) (citations omitted).

IT IS THEREFORE ORDERED BY THE COURT that Petitioner’s motion for extension of time to respond to the motion to dismiss (Doc. 9) is **granted**. The time for Petitioner to respond to the Motion to Dismiss at Doc. 7 is extended to **November 10, 2017**.

IT IS FURTHER ORDERED that Petitioner’s motion for discovery (Doc. 10) is **denied without prejudice**.

IT IS SO ORDERED.

Dated this 24th day of October, 2017, at Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow
U. S. Senior District Judge